FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRI. APPLICATION NO.75 OF 2006 IN APPEAL NO.62/2006
WITH
CRI. APPLICATION NO.162 OF 2006 IN APPEAL NO.151/2006
AND
CRI. APPLICATION NO.202 OF 2006 IN APPEAL NO.7/2006

Office notes, office Memoranda of Coram, appearance, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

C.A.75/2006

Mr.M.K. Kocharekar i/by Mr.Rajiv Sawant for the applicant.

Mr.S.S.Pednekar, APP. for the State.

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C.A.No.162/2006

Mr. Jagdish Choudhary with S.P. Kadam for the applicants.

Mrs.G.P. Mulekar, APP. for the State.

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C.A.No.202/2006

Mrs. Pooja Bhojane for the Applicant.

Mrs.G.P. Mulekar, APP. for the State.

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CORAM : R.S. MOHITE, J.
DATED : 3/4/2006.

P.C.

1. Since these three bail applications are filed by co accused who had filed separate appeals against the same

judgment and order convicting them under Section-232,234,235,240 read with 34 and 120B of the I.P.C., all the applications have been disposed of by this common order.

2. Criminal Application No.75/2006 in Criminal Appeal No.62/2006 has been preferred by Jivaram G. Choudhary who was the original accused No.4, Criminal Application No.202/2006 in Criminal Appeal No.7/2006 has been preferred by Vinod S. Verma who was the original accused No.1 and Criminal Application No.162/2006 in Criminal appeal No.151/2006 has been preferred by Jagdish P. Choudhary who was the original accused No.3 in Sessions Case No.98/2005.

3. Upon hearing the advocates for the applicants and the A.P.P, and on perusing the record which has been called for, it is clear that the case against the accused No.1 Vinod S. Verma stands on different footing. He has been caught red handed with the

counterfeit coins and the said coins have been recovered from his person. This fact has been deposed to by two police officers and the independent panchas. In my view, no case for grant of bail has been made out by accused No.1 and Criminal Application No.202 of 2006 preferred by him stands rejected.

4. As regards the original accused Nos. 3 and 4, the prosecution case was that the accused No.1 led them to premises where they were found. Prima facie, it is an arguable point as to whether merely because they were found present, without any other corroborating evidence, a conviction under Section 120 B of the I.P.C. could follow. In the circumstances, Criminal Application Nos. 75/2006 and 162/2006 are allowed and pending final disposal of their appeals, the applicants Mr. Jivaram G. Choudhary and Jagdish P.Choudhary are directed to be released on bail in the sum of Rs.25,000/- each with one local surety from Greater Bombay each subject to the

further condition that they will report to the Station House Officer, DCB C.I.D., Unit X, Andheri, Mumbai once in a month on every first Monday till final disposal of their appeals.

5. The applications stand disposed off accordingly.

(R. S. MOHITE, J.)